

Please amend claim 18 as follows:

AG C1 18. (Amended) A dry expanding tampon pledget comprising:

a plurality of non-absorbent fibers, wherein said plurality of non-absorbent fibers are selected from the group consisting of polyester, polypropylene, polyethylene, aramid, nylon, acrylic, bicomponent, and mixtures thereof; and

a plurality of absorbent fibers, wherein said plurality of absorbent fibers are selected from the group consisting of rayon, lyocell, wood pulp, cotton, superabsorbent, and any combinations thereof,

wherein said plurality of non-absorbent fibers and said plurality of absorbent fibers are distributed together, and

wherein immediately after ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than just prior to ejection.

REMARKS

Claims 1 through 20 are pending in the application. Claims 4 and 6 have been withdrawn from consideration. Claims 1, 12, 16 and 18 have been amended. The amendments to these claims and the specification are detailed in the attachment titled "Detailed Amendments to the Application". Support for the amendments to claims 1, 16 and 18 can be found in the specification at page 10, lines 1 through 8.

The Action objects to the drawings under 37 CFR 1.83(a). The Action requires that the tampon with the associated structure (coverstock, bell shape) must be shown or the features canceled from the claims. It is respectfully submitted that the specification has been amended to include a drawing (Fig. 1) depicting a bell-shaped tampon pledget according to the present invention. Support for the drawing, and specifically each identified element of the drawing, can be found in the specification at page 9, lines 12-23. As such, the drawing is not new matter.

Claims 12 and 15 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

With respect to claim 12, the Action asserts that there is no antecedent basis for the term "said ratio of rayon fiber to superabsorbent fiber". It is respectfully submitted that claim 12 has been amended to properly recite antecedent basis for the claimed subject matter.

With respect to claim 15, the Action queries as to what a "bell" shape is. It is respectfully submitted that the present application has been amended to include a drawing of a bell-shaped pledget according to the present invention. Therefore, the scope of claim 15 is now clear and definite.

For the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the §112, second paragraph rejection of claims 12 and 15.

Claims 1 through 3, 5, 8 through 11 and 14 through 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S.

Patent No. 4,335,721 to Matthews. Matthews discloses a tampon with a series of parallelly aligned fibers fused to a withdrawal string positioned transversely near one end of the fibers.

Claims 1, 9, 14 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,374,258 to Lloyd et al. (Lloyd). Lloyd discloses a tampon with an absorbent core of a general cylindrical shape having a liquid pervious cover. The cover layer has a plurality of parallel ribs interconnected by a plurality of fibrillated strands in the transverse direction.

Claims 1 through 3, 5, 7 through 11, 13, 14, 16 and 18 through 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,817,077 to Foley et al. (Foley). Foley discloses a tampon with a coverstock. The tampon is made with absorbent and non-absorbent fibers for preventing the drying of the vaginal wall.

Claims 1 through 3, 5, 8 through 11, 15, 16 and 18 through 20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,986,511 to Olofsson et al. (Olofsson). Olofsson discloses a tampon having a resilient rotund absorbent fibrous layer supported on a core of stiff material.

Claim 1 recites a dry expanding tampon pledget having a plurality of non-absorbent fibers and a plurality of absorbent fibers. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together. Immediately after ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than just prior to ejection.

Claim 16 recites a dry expanding tampon pledget having a plurality of non-absorbent fibers and a plurality of absorbent fibers. The plurality of non-absorbent fibers and the plurality of absorbent fibers are distributed together. A percent ratio of the plurality of non-absorbent fibers to the plurality of absorbent fibers is about 25/75 to about 65/35. Immediately after ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than just prior to ejection.

Claim 18 recites a dry expanding tampon pledget having a plurality of non-absorbent fibers selected from the group consisting of polyester, polypropylene, polyethylene, aramid, nylon, acrylic, bicomponent, and mixtures thereof and a plurality of absorbent fibers. The plurality of absorbent fibers are selected from the group consisting of rayon, lyocell, wood pulp, cotton, superabsorbent, and any combinations thereof. The plurality of non-absorbent fibers and the plurality of absorbent fibers are distributed together. Immediately after ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than just prior to ejection.

It is respectfully submitted that none of the cited references disclose or suggest a **dry expanding tampon pledget**, let alone one that immediately after ejection from an applicator, but prior to contacting menses, has a free diameter of about 25% to about 300% larger than just prior to ejection, as recited in claims 1, 16 and 18. As noted in the specification, notably on pages 10-12, the dry expansion tampon

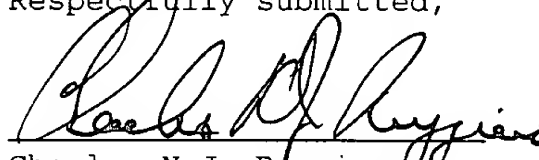
pledget of the present invention results in a tampon pledget that is more comfortable to a user without compromising the absorption properties of the pledget. It is clear that none of the cited references disclose, suggest or even contemplate the dry expansion tampon pledget, as recited in the present claims.

Therefore, it is respectfully submitted that none of the references anticipate the claimed invention and as such, claims 1, 16 and 18, as well as claims 2, 3, 5, 7 through 14, 16, 17, 19 and 20 which depend directly or indirectly from one of claims 1, 16 and 18, are patentably distinguishable over Matthews, Lloyd, Foley and Olofsson, taken alone or in combination. Applicants respectfully request reconsideration and withdrawal of the §102(b) rejections.

It is respectfully submitted that this is a full and complete response to the Office Action. Applicants respectfully request passage of the application to allowance.

June 5, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

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DETAILED AMENDMENTS TO THE APPLICATION

IN THE SPECIFICATION

The paragraph beginning on line 12 of page 9 of the specification has been replaced with the following rewritten paragraph:

--The tampon pledget of the present invention has its insertion end recessed into the center of the pledget, and is crimped or compressed to a certain extent for insertion into a tampon applicator. The compression should be just enough so that the tampon pledget is "spring-loaded" in the tampon applicator. Once ejected from the tampon applicator, the tampon pledget will expand rapidly preferably into a bell-like shape configuration, as represented generally by reference numeral 10 in Fig. 1. The tip or top 12 of this bell-shaped pledget 10 has the removal string 14 secured to it, while the other end of the tampon pledget 10 forms the base 16 of the bell.--

IN THE CLAIMS

Claim 1 has been amended as follows:

1. (Amended) A dry expanding tampon pledget comprising:

a plurality of non-absorbent fibers; and

a plurality of absorbent fibers, wherein said plurality of non-absorbent fibers and said plurality of absorbent fibers are blended together, and

wherein immediately after ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than just prior to ejection.

Claim 12 has been amended as follows:

12. (Amended) The tampon pledget of claim 1, wherein said plurality of absorbent fibers is a combination of rayon and superabsorbent fiber, and wherein a ratio of rayon fiber to superabsorbent fiber[s] is about 70/30.

Claim 16 has been amended as follows:

16. (Amended) A dry expanding tampon pledget comprising:

a plurality of non-absorbent fibers; and

a plurality of absorbent fibers, wherein said plurality of non-absorbent fibers and said plurality of absorbent fibers are distributed together,

wherein a percent ratio of said plurality of non-absorbent fibers to said plurality of absorbent fibers is about 25/75 to about 65/35, and

wherein immediately after ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget

has a free diameter at a widest point from about 25% to about 300% larger than just prior to ejection.

Claim 18 has been amended as follows:

18. (Amended) A dry expanding tampon pledget comprising:

a plurality of non-absorbent fibers, wherein said plurality of non-absorbent fibers are selected from the group consisting of polyester, polypropylene, polyethylene, aramid, nylon, acrylic, bicomponent, and [mixtures] any combinations thereof; and

a plurality of absorbent fibers, wherein said plurality of absorbent fibers are selected from the group consisting of rayon, lyocell, wood pulp, cotton, superabsorbent, and mixtures thereof,

wherein said plurality of non-absorbent fibers and said plurality of absorbent fibers are distributed together, and

wherein immediately after ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than just prior to ejection.